IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 7209 of 2005

Between:

1 The Administrator cum Chief Engineer & Convenor of Selection Committee SRSP; LMD Colony, Karimnagar District.
2 The District Collector-Cum-Chairman, Selection Committee, Karimnagar.
3 The Chief Engineer, SRS Project, M.J. Road, Hyderabad.
4 Government of Andhra Pradesh, represented by its Secretary,
I & CAD (PW-SRSP) Department, A.P. Secretariat, Hyderabad.

..... PETITIONERS

AND

1 B. Murali, S/o. Malliah, unemployee,
R/o. Vachunoor, Karimnagar District.
2 S. Kanakaiah, S/o. Venkataswamy, Unemployee,
R/o. Nustulapur Karimnagar District.
3 A. Shankar, S/o. Veeraiah, Unemployee,
R/o. Vachunoor, Karimnagar District.
4 Md. Naseeruddin, S/o. Sahebali, Unemployee,
R/o. Vachunoor, Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an a Writ, Order or direction more particularly one in the nature of a Writ of Certiorari and calling for the records relating to the order passed in O.A.No. 2120/2003, and batch dt. 6-5-2004 on the file of the Hon'ble A.P. Administrative Tribunal, Hyderabad and quash the same as illegal, arbitrary and pass such other order or orders.

Counsel for the Petitioners: GP FOR SERVICES II

Counsel for the Respondents: ……

The Court at the stage of admission made the following:

ORAL ORDER: (per GB. J.)

The Writ Petition is filed by the State assailing the common order passed by A.P. Administrative Tribunal (for short Tribunal) in O.A.No.2120 of 2003 and batch, dated 6.5.2004 insofar as it relates to OA.No.2120 of 2003.

2. The respondents, who are the applicants in the above OA., are the displaced persons in Lower Maneru Dam, Karimnagar. They sought for re-employment by absorption in accordance with G.O.Ms.No.98, Irrigation (P.W.) Department, dated 15.4.1986. The Tribunal considering the case of the respondents and also taking into consideration the order passed by this Court in Writ Petition No.21272 of 1994, dated 24.11.1995 disposed of the above OA with the following directions:

> "In the result, the applicants in the O.As., mentioned above other than the OA.2125/2001 are entitled to appointments to the vacancies earmarked for the displaced persons to the extent of 50% vacancies that have arisen on and from the crucial date of issuing of G.O.Ms.No.98, dated 15.4.1986. Therefore, Respondents are directed to appoint the applicants who are in the selection list prepared after due process of selection against available vacancies and if there are no vacancies by replacing those who were appointed against the vacancies earmarked for the displaced persons contrary to the scheme as envisaged under G.O.Ms.No.98, dated 15.4.1986. However, if the respondents are not inclined to replace the appointees against the vacancies of the displaced persons for one reason or the other, supernumerary posts should be created to the extent necessary in order to see that the displaced persons fill up 50% vacancies that have arisen. In future also, 50% vacancies reserved for the displaced persons should be filled up only by the displaced persons to see that G.O.Ms.No.98, dated 15.4.1986 is implemented in its true spirit. It is also pointed out that there is need for having a proper mechanism for monitoring the implementation of G.O.Ms.No.98, dated 15.4.1986 so that irregularities which have been committed are not repeated. It is left to the Government to devise a mechanism as it deem fit for this purpose. The O.As., are disposed of accordingly with the above directions. CA.307/02 in OA.2125/01 also stands disposed of. However, there will be no order as to costs."

The said order came to be challenged by the State in this Writ Petition.

3. The learned Government Pleader for Services-II submits that the order of the Tribunal is not sustainable inasmuch as the appointment is to be confined to the four corners of the Presidential Order and therefore the order is liable to be set aside.

4. We are unable to accept the contention of the learned Government Pleader. The Tribunal, after following the directions given in the earlier Writ Petition, viz., Writ Petition No.21272 of 1994, disposed of the O.A. Therefore, we do not find any ground to admit the Writ Petition.

5. Accordingly the Writ Petition is dismissed at the stage of admission. No costs.

(G.BIKSHAPATHY, J.)

7th April, 2005.

(P.S.NARAYANA, J.)

SSR

To

1 The Administrator cum Chief Engineer & Convenor of Selection Committee SRSP; LMD Colony, Karimnagar District.
2 The District Collector-Cum-Chairman, Selection Committee, Karimnagar.
3 The Chief Engineer, SRS Project, M.J. Road, Hyderabad.
4 The Secretary, I & CAD (PW-SRSP) Department,Government of Andhra Pradesh,
A.P. Secretariat, Hyderabad.

5 The Registrar, A.P. Administrative Tribunal, Hyderabad.

6 2 CCs to G.P. for Services-II, High Court of A.P. Hyderabad. (OUT)

7 2 CD copies

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